

## Department of Early Learning Negotiated Rule Making Team Meeting Notes September 19, 2009, Renton, Washington

### **Overall Goal:**

The purpose of this Negotiated Rule Making Team (NRMT) is to develop a set of recommendations about rules and issues that affect the health, safety, learning and quality of environment for children in licensed family home child care that is supported by parents, early care providers, health and safety experts and interested stakeholders. The NRMT's recommended rules will then move on to the legal and legislative proceedings (and formal public comment period) before they can be formally adopted.

### **Today's Meeting Objectives:**

1. Hear updates on the DEL-SEIU Coordination Group meeting, Rule Writing & Rule Review progress and Communication/ Outreach;
2. Finish recommendations about **Indoor Environment** (A Team);
3. If time permits, discuss **Supervision** (West Side Story);
4. If time permits, begin discussing **Emergency Preparedness** (Team C);
5. Discuss and determine what elements should be incorporated into our work moving forward; and
6. Determine next steps.

### **Pre-Work Given at August 8, 2009 Meeting:**

The West Side Story (Karen Hart is Lead) will:

- Finish recommendations on **Supervision** (see August 8<sup>th</sup> meeting notes)
- Continue developing recommendations about **Health**

The A-Team (Debbie Knighten is Lead) will:

- Complete recommendations on **Indoor Environment**
- Create a table for medicines and other items need to be locked up or inaccessible (e.g. shampoos, First Aid kit items)

Team C (Martha Standley is Lead) will:

- Complete recommendations on **Emergency Preparedness**
- Continue developing recommendations on **Nurturing & Guidance**

<b>Time</b>	<b>Topic</b>	<b>Design Notes</b>
<b>9:00</b>	<b>Welcome, Agenda, Introductions, Check In</b>	Introductions, Agenda, Changes at SEIU
<b>9:20</b>	<b>Updates</b> <ul style="list-style-type: none"><li>• Strategy Team Meeting</li><li>• Rule Writing &amp; Rule Review</li><li>• Outreach / Parent Involvement</li></ul>	<ul style="list-style-type: none"><li>• Schedule as we wind down (Bob)</li><li>• Continuance plan (Judy)</li><li>• Communications piece (Andy)</li></ul>
<b>10:00</b>	<b>Indoor Environment</b> (A Team)	

<b>12:00</b>	<b>Lunch</b>	
<b>12:30</b>	Continue <i>Indoor Environment</i> (A Team)	
<b>1:30</b>	<b>Break</b>	
<b>1:45</b>	Revisit <i>Supervision</i> (West Side Story)	
<b>2:30</b>	Begin <i>Emergency Preparedness</i> (Team C, time permitting)	
<b>3:15</b>	<b>Next Meeting Agenda, Assignments, Schedule Adjustments</b>	Next Meetings, all at Puget Sound ESD 121 in Renton:: <b>October 24, November 14 (note new date), December 5. 9 a.m. to 3:30 p.m.</b>
<b>3:30</b>	<b>Adjourn</b>	

***Voting Members Present:***

Dora Herrera, SEIU-Provider  
Debbie Knighten, SEIU-Provider  
Jean Orton-Elders, DEL  
Angela Taylor, SEIU-Provider  
Sue Winn, WSFCCA  
Vicky Lujan-Bell, DEL  
Nancy Gerber, SEIU-Provider  
Sherry Schleufer, SEIU Staff  
Katherine Yasi, SEIU-Provider

Judy Jaramillo, DEL  
Sandra Van Doren, EWFCCA  
Sue Paskiewitz, SEIU-Provider  
Cassandra (Sandi) Clemans, Care for Providers  
Cynthia Hendsch, DEL  
Laura Giddings, WSCCR&R  
Martha Standley, DEL  
Lola Kling, SEIU-Provider

***Public, Guest & Other Non-Voting***

Carol Wilson, WSFCCA  
Joan Aarts, WSFCCA (Alternate)  
Robert McLellan, DEL NW Svc. Area Mgr.  
Andy Fernando, DEL NRMT Coordinator

Carol Gibbs, Eastern King County Family  
Child Care Association  
Kathleen Hardee, Care for Providers (Alternate)  
Debbie Rough-Mack, Independent Facilitator

**Abbreviations:**

EWFCCA – Eastern Washington Family Child Care Association  
SEIU – Service Employees International Union Local 925  
WSCCR&R – Washington State Child Care Resource and Referral Network  
WSFCCA – Washington State Family Child Care Association

***Updates***

**SEIU changes:**

Karen Hart, one of the founding members of the NRMT and a driving force on the West Side Story Team, is taking a new position at SEIU focusing on leadership development. Karen is

turning over SEIU lead on NRMT to Lisa Beaulaurier and Sherry Schleufer. Sherry is now working for SEIU exclusively and will no longer be a child care provider. Karen plans to attend the NRMT's December wrap-up meeting.

### **Strategy Meeting Update**

There was a NRMT Coordinating Group meeting held on August 19, 2009, attended by DEL Deputy Director Bob Hamilton, DEL Assistant Director Lynn Shanafelt, DEL Senior Policy Advisor Sonali Patel, Judy Jaramillo, Andy Fernando, Karen Hart and Debbie Rough-Mack. Bob McLellan participated by phone.

Keeping in mind that legislative funding for Negotiated Rule Making will run out December 31, the following recommendations were made for the focus of the NRMT's last few meetings that allow for a facilitator and large group discussion:

***October 24 – Corrective/Adverse Actions, Emergency Preparedness***

***November 7 – Emergency Preparedness and Health***

***December 5 – Evaluation, Plans for Continuance, Celebration and Community Closure***

Judy shared the draft of a work-in-progress Continuance Plan, which will identify and make recommendations about:

- ◆ What NRMT tasks remain (unfinished matrixes if any, rule drafting, rule review, stakeholder input, Guidebook drafting, provider/licensor training, etc.).
- ◆ Who might be responsible for ensuring the tasks are completed.
- ◆ Suggested completion dates for short-term tasks.
- ◆ Whether remaining tasks are part of the original NRMT deliverables.
- ◆ Whether remaining tasks are required or optional.

The coordinating group recommended that the Rule Writing/Rule Review Team serve as representatives of the larger NRMT for any unfinished WAC recommendations after December 31.

Andy, Judy J., Lisa Beaulaurier (replacing Karen Hart) and Debbie R-M will be working on key communication documents that give a high level description of the NRMT's work, and the plans for Continuance.

### **Rule Writing & Rule Review Committees**

Sandra and Judy are meeting weekly. By mid-October the next three draft sections (***Program, Licensing Process*** and ***Outdoor Environment***) will be ready for stakeholder review.

### **Communications, Outreach & Parent Involvement**

- ◆ Sue Winn and Lisa gave an update on NRM progress to providers in Oak Harbor on September 8. One issue that was raised there was the issue of potential conflict between WACs and military child care guidelines.
- ◆ Sandi Clemans, Angela Taylor, Andy and Jean Orton-Elders gave presentations on progress to about 40 child care providers in the Southwest Washington Family Child Care Association in Vancouver on September 14 (they will also give a presentation on October 13 in Longview). One issue that was brought involved food being used as a reward for children (e.g. giving M & M's for successful potty training). The NRMT expressed

confusion at this being reflected as a large group recommendation; this was added during the draft rule review process. The large group asked the Rule Writers and Review Committee to review this recommendation.

- ◆ Another concern that was raised at these meetings was the availability of current WACs for providers. Some mentioned that they wanted a hard copy, citing inability of many providers to have access to computers.
- ◆ Translation of WACs continues to be a concern. There are several obstacles to this:
  - Cost and number of languages needed
  - How to keep documents stable (without frequent changes) so that documents won't need to be re-translated as often.
  - The WACs are a type of law, and they are binding as written and understood in English. When translated, it is difficult to determine if the translated words have the same intended meaning as the WAC does in English.
- ◆ Jean, Dora Herrera, Joan Aarts and Andy gave a presentation to the Thurston County Family Child Care Association on September 15. Nine providers attended.
- ◆ Debbie Knighten and Dora will be giving a presentation on September 26 in Pasco to the Spanish-speaking association or child care providers.
- ◆ Sue Paskiewitz and Kathleen Hardee will be giving a presentation on October 10 at the South King County Family Child Care Association meeting.
- ◆ Andy, Judy Jaramillo and Sue Winn will be making a presentation at the WAEYC conference in Bellevue on October 17<sup>th</sup>. They could use another volunteer. [*Note: This presentation was cancelled later.*]

### ***Indoor Environment; A Team presenting***

**Bathroom areas.** The current rule allows fixed carpet in bathrooms. The group consensus was to not allow carpet but to allow removable rugs that can be washed. There was also much discussion about: How to cover electrical outlets in bathrooms, especially in older homes; where hand-washing sinks need to be located (although the A-Team's recommendation was not about where, only that sink must be available); and, About each child having his or her own cloth towel if paper towels are not used. The group eventually decided to recommend:

#### **Bathrooms :**

*"Floors should be washable surfaces, impervious to moisture.*

*"Removable rugs may be used in the bathroom. They should be easily removable and able to be washed when needed. If used daily when children are in care, rugs must be washed dally.*

*"Any electrical outlets located near sinks, tubs or toilets must:*

- *Be ground fault interrupter (GFI) type or*
- *(Have) permanent child proof outlets or permanent safety device [Guidebook examples].*

*"If the bathroom door can be locked, an unlocking device must be readily available."*

**Handwashing Sink:**

*"A handwashing sink used by the children after toileting must:*

- *Have warm running water [Note: Hand washing procedures will be covered in **Health**]*
- *Be located in or next to rooms used for toileting (and)*
- *Be of appropriate height and size for children, or*
- *Have a safe, easily cleanable platform impervious to moisture."*

**Water Temperature:**

*"Water temperature must be no higher than 120 degrees (Fahrenheit)."*

**Soap and Towels:**

*"Children may wash their hands using liquid, powder, or bar soap.*

*"Bar soap used by children must be placed on a drainable device when not in use. Liquid or powdered soap must be in cleanable dispensers (inside and out) or disposable dispensers.*

*"Children may use cloth towels, paper towels or an 'air hand dryer' to dry their hands. If cloth towels are used, they must be laundered after each use, or labeled individually for each child and laundered daily. If paper towels are used, they must be readily available for a child's use and placed within a child's reach. If a 'heated air hand dryer' is used, it must have heat guards to prevent burning." [Note: The Writers will be tasked with clarifying laundering of cloth towels.]*

**Toilets:**

*"Potty chairs must be emptied and sanitized after every use. Modified toilet seats may be used."*

**Ventilation:**

*"Bathrooms must be ventilated by openable windows or an exhaust fan."*

**Toothbrushes:**

*(Add to the Guidebook and not in rule)*

***Vote 13 in favor, 4 undecided, 0 opposed***

Concerns: Recently installed vinyl flooring can pose a hazard for fumes; Storing individually labeled towels - Kids not using their own towel; How often should removable rugs be laundered.

**Subtopic: Heating & Cooling**

There was considerable discussion about temperature ranges when children are sleeping as opposed to when they are awake, and what are "comfortable" temperature ranges on the west side of the Cascades compared to the east side where typical temperatures are hotter and colder. Relatively few homes on either side of the state have air conditioning to help regulate indoor temperatures during hot weather. What a "comfortable" temperature is can be subjective and may be different to the provider, parent and/or licenser in the same room. Caring for Our Children only suggests researching what are normal temperatures in each state. The group decided to recommend that the licensee must keep the home at:

- “Minimum 60° F. when children (are) sleeping or napping;
- “Minimum 65° F. when kids are awake.
- “(Must) use a fan, air conditioning or cross ventilation when inside temperature exceeds 80 degrees; and
- “Must not use portable heaters when children are in care.”

Also, the Guidebook should address alternatives for extreme temperatures. Team C will also be bringing recommendations on the use of portable heaters in its recommendations on ***Emergency Preparedness***.

***Vote 15 in favor, 1 undecided, 1 opposed***

Concerns: Some want more research to support any recommendations (for minimum temperature). Sandra Van Doren will report back if she finds any.

**Subtopic: Fire Safety.**

Many of the A Team’s recommendations were based on the presentation by the State Fire Marshal’s Office to the group in March 2009. The discussion focused on: when using night latches or deadbolts on exit doors may be appropriate; what are acceptable escape exits (including the minimum escape window dimensions required by the International Fire Code); whether the licenser should have or need access to unlicensed space to verify that smoke detectors are working throughout the home. The group voted to recommend:

The following applies to the child care spaces that are “accessible to children” (as defined earlier):

*“Occupancy restrictions for family home child care (FHCC):*

***Exits:***

- A. 1) “One exit door from a FHCC must be of the pivoted or side hinged swinging type. (The licensee) may use sliding glass doors for other exits.  
2) “Each floor level used for FHCC purposes must have two exits.
- B. “The use of areas (such as basements) that are more than four feet below ground level for FHCC purposes must have one of the following conditions:
  - 1) “Two exit stairways that open directly to the exterior without entering interior of the home; or
  - 2) “One of the two required exits opens directly to the exterior and one exits to the exterior through an interior stairway; or
  - 3) “One of the two required exits is a rescue window with a 5.7 square foot minimum opening AND (be) no less than 24 inches wide and no less than 20 inches tall; or
  - 4) “A residential sprinkler system in the child care area.
- C. “The use of areas (such as 2<sup>nd</sup> stories) that are more than four feet above ground level for FHCC purposes must have one of the following:
  - 1) “Two exit stairways that open directly to the exterior of the home; or,
  - 2) “One of the two required exits opens directly to the exterior and one exits to the exterior through an interior stairway; or

- 3) *"A residential sprinkler system in the child care area.*
- D. 1) *"Every room used for child care must have two ways to exit (except bathrooms).*
- 2) *"A rescue window must have a minimum 5.7 square foot opening (AND be) no less than 24 inches wide and no less than 20 inches tall.*
- 3) *"A (rescue window must have a) sill height of not more than 44 inches above the interior floor. (The licensee) may use a stationary platform under a window on the interior to attain the required no more than 44" drop from the window.*
- 4) *"Every room for childcare (except bathrooms) must have:*
  - *"A door leading to two separate exit ways; or*
  - *"A door leading directly to the exterior of the building.*
- 5) *'Exit doors must be easy to open to the full position.*
- 6) *"Exit doors and windows must be of the type that can be opened from the inside.*

***Door locks, openings, latches:***

- A. *"(The licensee) must have a safety plan in place before using any of the following:*
  - *Night latches*
  - *Deadbolts*
  - *Security chains*
- B. *"The locking arrangement on the outside exit doors must automatically unlock when the doorknob is turned from the inside.*
- C. *"(The licensee) must ensure obstructions are not placed in exit pathways.*
- D. *"Every bathroom door lock must be designed to permit the opening of the locked door from the inside in an emergency. The opening device must be readily accessible to staff. [See additional details in the "Bathroom" section above.]*
- E. *"Every closet door latch must be the type that children can open from inside the closet. If a child can get into a closet then the closet must be able to be opened from the inside*

***Firewalls:***

*"If any of the following are used for commercial purposes; and are attached to the child care, a fire wall must separate the two areas and the emergency exits must not go through the commercial space:*

- *Kitchen*
- *Boiler*
- *Maintenance shop*
- *Laundry*
- *Woodworking shop*
- *Flammable or combustible storage*
- *Painting operations*
- *Parking garages*

***Smoke Detectors:***

- A. *"A working smoke detector must be installed:*

- On each level of the home
  - In all sleeping and napping areas used for child care
- B. “(The) licenser must be able to verify that smoke detectors are working.

***Fire Extinguishers:***

- A. “A working fire extinguisher must be readily available. It must be:
- On each level of the home used for child care.
  - Within 75 feet of an exit
  - Must be mounted along the path of an exit
- B. “A minimum 2A10BC fire extinguisher may be mounted in a closed unlocked closet as long as a sign on the closet door clearly states the fire extinguisher is mounted inside.

Team C will also present recommendations on fire extinguisher and smoke detector testing and staff practice in ***Emergency Preparedness***.

***Vote in concept: 17 in favor, 0 undecided, 0 opposed***

Concern: Wording clarification needed.

***Indoor Environment - A Team presenting***

***Subtopic: Medication Storage***

See the draft Medication Storage table following these notes. This topic was revisited when our initial discussion prompted the request that a table be created to illustrate what level of access was appropriate for specific medications. A long discussion ensued, resulting in general agreement that a table similar to the one presented should be used in the WAC and that the table reflect:

- Items that must be locked up be clearly and specifically identified.
- Rescue medications be specifically identified as inaccessible to children but not kept locked, such as emergency allergy medications.
- First Aid kits should be removed from the chart, as they should be readily accessible
- “Toiletries” should be renamed to more clearly illustrate what is intended.
- Define “inaccessible” and “locked” clearly on the table (and make sure those definitions are consistent with those previously recommended by the group.

***Vote in concept 17 in favor, 0 undecided, 0 opposed***

***Supervision/ Capacity/ Ratio; West Side Story presenting***

This section could potentially be subtitled “***Absences***” to make it easier for providers to look it up. There was a lengthy and spirited discussion about the sub-team’s recommendations revolving around the following two general concepts, but no resolution:

- When should a licensee be required to inform a DEL licenser of the licensee’s absence?
- How should a licensee be required (or should they) to demonstrate that they are present in the licensed home and providing care the “majority of the time?”



The group ultimately decided not to vote on absence-related requirements, as there was a desire to see a comparison between these new recommendations and previously approved recommendations which were approved in the Recordkeeping, Reporting & Posting section. The West Side Story group agreed to return next meeting with a comparison previously approved and newly recommended requirements.

### ***Next Meeting***

Next meeting will be October 24, 2009 in Renton. Agenda items will include:

- ◆ Finish recommendations about ***Supervision*** (West Side Story);
- ◆ Begin discussing ***Corrective/Adverse Actions*** (ad hoc group led by Bob McLellan);
- ◆ Begin discussing ***Emergency Preparedness*** (Team C)

### ***Upcoming Meetings, all at ESD 121 in Renton, 9 a.m. to 3:30 p.m.:***

- ◆ Saturday, October 24
- ◆ Saturday, November 14 (changed from November 7)
- ◆ Saturday, December 5 (final full-NRMT meeting)

### ***Pre-Work for the Small Groups:***

The West Side Story (Karen Hart is Lead) will:

- Finish work on ***Supervision***
- Continue developing recommendations about ***Health***

The A-Team (Debbie Knighten is Lead) will:

- Work on a ***Celebration*** component for the December meeting

Team C (Martha Standley is Lead) will:

- Come prepared to begin presenting on October 24 on ***Emergency Preparedness***
- Continue working on ***Nurturing & Guidance***

<b>Medication/Chemical Storage – NRMT Recommends:</b>		
This list is not inclusive of all possible items in each category. Medications must be stored (refrigerated or otherwise) as directed on the label.	<b>Locked (as defined previously)</b>	<b>Inaccessible (as defined previously)</b>
<b>Rescue Medication (not locked but inaccessible to children)</b>		
Any medication for an allergic reaction (Epi Pin, anti-itch creams)		<b>X</b>
Medication used in nebulizers		<b>X</b>
Inhaler		<b>X</b>
Bee sting kit		<b>X</b>
Seizure medication		<b>X</b>
(Child's own) medicine needed for emergencies		<b>X</b>
Syrup of Ipecac (call poison control before use)	<b>X</b>	
(Inaccessible items can be locked)		
<b>Non-prescription Medication</b>		
Pain relievers, cough syrup	<b>X</b>	
Vitamins - all types including natural	<b>X</b>	
Topical non-prescription medication		<b>X</b>
<b>Prescription Medication</b>		
Intended use - Topical		<b>X</b>
Intended use – Ingestible or injectable	<b>X</b>	
<b>Chemicals</b>		
Nail polish remover		<b>X</b>
Disinfectant & sanitizers		<b>X</b>
Household cleaners		<b>X</b>
Toxic paints		<b>X</b>
Plant fertilizer		<b>X</b>
Ice melting products		<b>X</b>
Pool chemicals		<b>X</b>
<b>Other</b>		
Lotions, creams, toothpaste and diaper creams when not in use		<b>X</b>
Toiletries when not in use [Need a more clear term. Suggested: "Personal grooming products"]		<b>X</b>
Shampoo		<b>X</b>
Bubble bath		<b>X</b>
Dish soap		<b>X</b>
Make-up/cosmetics		<b>X</b>
Pet medications	<b>X</b>	